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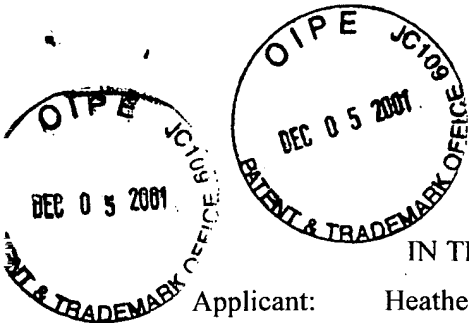
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1632

ATTORNEY'S DOCKET NO: C1040/7010(HCL/MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis and Michael J. McCluskie  
Serial No: 09/768,012  
Filed: January 22, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR INDUCING A TH2  
IMMUNE RESPONSE  
Examiner: Not Yet Assigned  
Art Unit: 1632

# 6/1/01  
12/18/01

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 2<sup>ND</sup> day of November, 2001.

Maria A. Trevisan

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Information Disclosure Statement/PTO Form 1449/References Cited
- ☒ Return Receipt Postcard

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If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Maria A. Trevisan  
Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617) 720-3500

Docket No. C1040/7010(HCL/MAT)  
Date: November 2, 2001  
XNDD



ATTORNEY'S DOCKET NO: C1040/7010(HCL/MAT)

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Maria A. Trevisan

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Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

558225.1

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
C1037/7013	09/776,479	02/02/01	Bratzler et al.
C1037/7017	09/800,266	03/05/01	Bratzler et al.
C1037/7018	09/801,839	03/08/01	Bratzler et al.
C1037/7019	09/920,313	08/01/01	Bratzler et al.
C1039/7009	09/082,649	05/20/98	Davis et al.
C1039/7016	09/154,614	09/16/98	Davis et al.
C1039/7017	09/191,170	11/13/98	Krieg et al.
C1039/7020	09/337,584	06/21/99	Krieg et al.
C1039/7021	09/337,619	06/21/99	Krieg et al.
C1039/7022	09/337,893	06/21/99	Krieg
C1039/7023	09/337,636	06/21/99	Krieg
C1039/7025	09/325,193	06/03/99	Davis et al.
C1039/7027	09/306,281	05/06/99	Gramzinski et al.
C1039/7028	09/361,575	07/27/99	Krieg
C1039/7029	09/415,142	10/09/99	Krieg et al.
C1039/7035	09/669,187	09/25/00	Krieg et al.
C1039/7036	09/559,140	04/27/00	Noll et al.
C1039/7041	09/655,319	09/05/00	Krieg et al.
C1039/7042	09/630,319	07/31/00	Krieg et al.
C1039/7043	09/629,477	07/31/00	Krieg et al.
C1039/7044	09/672,126	09/27/00	Hartmann et al.
C1039/7048	09/818,918	03/27/01	Krieg et al.
C1039/7049	09/824,468	04/02/01	Krieg et al.
C1039/7052	09/888,326	06/22/01	Weiner et al.
C1040/7004	09/146,072	09/02/98	Davis et al.
C1040/7006	09/316,199	05/21/99	McCluskie et al.
C1041/7002	09/241,653	02/02/99	Wagner et al.
C1041/7005	09/355,254	02/22/00	Wagner et al.
C1041/7010	09/786,436	03/02/01	Wagner et al.
C1041/7014	09/895,007	06/28/01	Schetter et al.

The following are remarks concerning the other information cited:

### PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 558225.1

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Heather L. Davis et al., Applicant(s)*

By:   
\_\_\_\_\_  
Maria A. Trevisan, Reg No. 48,207  
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600 Atlantic Avenue  
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Docket No. C1040/7010(HCL/MAT)  
Dated: November 2<sup>ND</sup>, 2001  
xNDD